



Appeal Decision

Site visit made on 16 July 2024 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th September 2024

Appeal Ref: APP/T3725/D/24/3338624

**Fir Tree Cottage, 147 Chessetts Wood Road, Lapworth, Warwickshire
B94 6EN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Neal Gooding against the decision of Warwick District Council.
 - The application Ref is W/23/1193.
 - The development proposed is described as a two storey rear extension with associated landscaping works.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The application form refers to single storey rear extensions which were omitted from the proposal, yet shown on the decision notice. Since they do not form the scheme I am considering, I have not referred to them above.

Main Issues

4. The main issues are a) whether the proposal would be inappropriate development in the Green Belt; b) its effect on the openness of the Green Belt; and c) if it would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Inappropriate Development

5. The National Planning Policy Framework 2023 (the Framework) establishes that new buildings in the Green Belt are inappropriate except in certain circumstances as listed in paragraphs 154 and 155. Policy DS18 of the Warwick District Local Plan 2017 (LP) requires development proposals in the Green Belt to be determined in accordance with national policy. Paragraph 154 c) of the Framework allows for the extension or alteration of a building provided that it
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does not result in disproportionate additions over and above the size of the original building. The Framework does not define 'disproportionate' although there is some assistance from LP Policy H14 which explains, amongst other things, that an increase of more than 30% to the gross floor space of the original dwelling is likely to be so.

6. The appeal property is a substantial two-storey detached dwelling which has been previously extended. When taken together, the Council states that the previous and proposed extensions would increase the total area of the original property by 56%. The appellant does not contest this figure.
7. Size can be more than a function of area and floor space. In this case, the scale, bulk and mass of the building has already been considerably increased through the previous additions. The appeal scheme would increase the massing and scale of the dwelling by a further not insignificant amount. Consequently, and taking all of the above into account, the combination of the previous and proposed extensions would amount to disproportionate additions over and above the size of the original building. The proposal would therefore be inappropriate development which is, by definition, harmful to the Green Belt. This would result in conflict with both the Framework and, by association, Policies DS18 and H14, the aims of which I have set out above.

Openness

8. Openness is an essential characteristic of the Green Belt. Planning Practice Guidance explains that openness can have spatial and visual aspects. The land take and mass of the proposals, despite their contextually modest size, would take up otherwise undeveloped space in the Green Belt. As such, there would be an unavoidable reducing effect on the spatial aspect of its openness. There would be a more limited effect on the visual aspect given the nature of the alterations and other buildings of substance nearby. Overall however, and taking into account one of the fundamental aims of Green Belt policy being to keep land permanently open, the appeal scheme would reduce the openness of the Green Belt. This would also conflict with the Framework. This harm would be in addition to that caused by the proposed development's inappropriateness.

Other Considerations

9. The appellant has provided details of two single-storey extensions that could be constructed under permitted development. A Certificate of Lawful Development has been granted under Council reference W/24/0145. These extensions would undoubtedly have a greater impact on the openness of the Green Belt than the appeal proposal. However, it is unclear how the extensions, which are annotated on the approved drawings as a sunroom and a TV room, would achieve the appellant's aims to improve accessibility to the different internal floor levels. Furthermore, even if this appeal was allowed with a condition removing permitted development rights, there is no mechanism to prevent the extensions being constructed before the appeal proposals, which would result in much greater harm to the openness of the Green Belt if brought forwards together. I therefore attach moderate weight to this fallback position.
10. The Council has raised no concerns regarding the effect of the proposal on the character and appearance of the area, which is a separate matter to whether a proposal represents disproportionate development in the Green Belt, and concluded that the proposal would comply with LP Policy BE1. Based on the

evidence before me I have no reason to disagree. However, this would be a lack of harm and therefore does not weigh in favour of the appeal scheme.

Conclusion and Recommendation

11. The proposed extension would cause harm to the Green Belt by way of inappropriateness and through reducing openness, to which substantial weight should be afforded. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Those I have identified would not attract sufficient weight to clearly outweigh the totality of the harm. Consequently, the very special circumstances necessary to justify the proposed development do not exist.
12. There are therefore no sufficiently weighty material considerations, including the approach of the Framework, which indicate that a decision should be made other than in accordance with the development plan with which, as I have explained, the appeal scheme would conflict. I therefore recommend the appeal is dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR